
OPENING A VIOLATION CASE

Enforcement of Maricopa County codes and ordinances requires a 'code enforcement event' or an offending action or use. The event is generally indicated by a written or telephone complaint, which vaguely describes a site or building that may violate the building code or zoning ordinance.

RECEIVING A COMPLAINT

The Code Enforcement Division receives complaints in a number of ways and are as follows:

1. A complaint from a citizen or neighbor: This complaint can be anonymous and can be received in writing, by e-mail or by fax.
2. Staff generated: These are usually building code violations, follow-ups or referrals from one of the appointed boards.
3. Referral from another agency: These can be accepted over the phone but a written request should also be submitted.

Once a complaint is received or an inspector discovers a possible violation, the compilation of a code enforcement case begins. At this point, the enforcement section collects information about the complaint. A number of facts must be established and are crucial to the case throughout its existence.

ENFORCEMENT AUTHORITY

State and local building codes, together with zoning ordinances, form the code enforcement foundation.

Arizona Revised Statutes (ARS) §11-808 authorizes counties to adopt procedures for enforcement and sets the penalties for violation of adopted zoning and building codes.

RULES FOR THE CIVIL HEARING OFFICER

These rules shall apply in all cases involving the adjudication of Maricopa County Zoning Ordinance violations before the Maricopa County Hearing Officer for which a civil penalty may be imposed pursuant to ARS §11-808(D) and Chapter 7 of the Maricopa County Zoning Ordinance along with any other county ordinances.

DUTIES OF THE HEARING OFFICER:

- A. The officer hears and decides complaints alleging civil violations of the Maricopa County Zoning Ordinance and the Maricopa County Comprehensive Building Code.
- B. The officer administers oaths.
- C. The officer makes any other order necessary for the determination and resolution of code enforcement cases.

COMMENCEMENT OF ACTION:

The filing of a summons shall commence every action or proceeding brought before the hearing officer, for violation of the Maricopa County Zoning Ordinance or the Maricopa County Comprehensive Building Code, by a code enforcement officer.

ORDER OF PROCEEDINGS:

The order of proceedings shall be as follows:

- a. Testimony of Maricopa County's witnesses.
- b. Testimony of defense witnesses.
- c. Testimony of Maricopa County's rebuttal witnesses, if any.
- d. Testimony of defense rebuttal witnesses, if any.
- e. Argument of the parties or their counsel or designated representative, if permitted by the hearing officer.
- f. Ruling by the hearing officer. The ruling may include the findings, conclusions and opinion of the hearing officer.

RECORD:

A record of the proceedings shall be made by audiotape.

Defendant(s) can obtain copies of court proceedings by providing cassette tapes for duplication. If written transcripts are desired, a court reporter can be hired by the defendant(s) to perform this function.

FINDING OF RESPONSIBILITY:

If the defendant is found responsible for the code violation, the hearing officer shall enter judgement for Maricopa County and impose a civil sanction not to exceed the equivalent of the maximum fine for a Class 2 Misdemeanor for each violation.

HEARING DATES:

Hearings are routinely held on the second Tuesday and the third Thursday of each month. These dates and times are subject to change. For complete and up-to-date hearing docket information, contact the Code Enforcement Division.

CONTACT INFORMATION

- ? Submit a complaint to the Code Enforcement Division - [click here](#).
- ? Call the Code Enforcement Division at 602-506-3694
- ? E-mail the Code Enforcement Supervisor at timoverstake@mail.maricopa.gov
- ? Send correspondence to:

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Code Enforcement Division
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